

**WEDNESDAY, APRIL 16, 1997**

**THIRTIETH LEGISLATIVE DAY**

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Gary Sears, Mt. Olive Church of God, Cleveland, Tennessee.

Representative Bird led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Huskey; illness

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 345:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 583:** Rep(s). Beavers, McDonald and Newton as prime sponsor(s).

**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

**House Bill No. 823:** Rep(s). Kent as prime sponsor(s).

**House Bill No. 894:** Rep(s). Whitson and Boner as prime sponsor(s).

**House Bill No. 1066:** Rep(s). Caldwell as prime sponsor(s).

**House Bill No. 1078:** Rep(s). Dunn as first prime sponsor(s).

**House Bill No. 1128:** Rep(s). Rinks as prime sponsor(s).

**House Bill No. 1207:** Rep(s). Robinson as prime sponsor(s).

**House Bill No. 1307:** Rep(s). Gunnels, Clabough and Tindell as prime sponsor(s).

**House Bill No. 1819:** Rep(s). Armstrong and Stulce as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Hargett was/were removed as sponsor(s) of **House Bill No. 1078**.

On motion, Rep(s). Halteman Harwell was/were removed as sponsor(s) of **House Bill No. 981**.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 15, 1997**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 4, 413, 542, 663, 924, 1020, 1059, 1231, 1302, 1578, 1955 and 1957; also, House Joint Resolution(s) No(s). 181 and 184.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**April 15, 1997**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 162, 163 and 164.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 15, 1997**

The Speaker signed the following: House Joint Resolution(s) No(s). 162, 163 and 164

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 15, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 1953, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**April 15, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 175, 231, 641, 967, 1141, 1366, 1373, 1566, 1941, 1954 and 1955, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**ENROLLED BILLS**

**April 16, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 603, 830, 835, 961, 1425, 1615, 1926 and 1942.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 16, 1997**

The Speaker signed the following: House Bill(s) No(s). 603, 830, 835, 961, 1425, 1615, 1926 and 1942.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 16, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 181 and 184, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 194** -- General Assembly, Studies - Creates special joint committee to study highway-railroad crossings and related issues. by \*Caldwell.

Transportation Committee

## **WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

**\*House Joint Resolution No. 192** -- Highway Signs - "Major Charles L. McGaha Memorial Highway," portion of Highway 321. by \*Davis R.

Transportation Committee

**\*House Joint Resolution No. 188** -- General Assembly, Studies - Creates special joint committee to study consumer access to information relative to health care professionals and entities. by \*Jones, S..

Health & Human Resources Committee

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 17, 1997:

**House Resolution No. 56** -- Memorials, Sports - Powell Valley High School boys' basketball coach Dennis Cline, District 3-AA Coach of the Year. by \*Goins.

**House Joint Resolution No. 193** -- Memorials, Recognition and Thanks - Tennessee 4-H Congress, 50th anniversary. by \*Beavers.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 17, 1997:

**Senate Joint Resolution No. 164** -- Memorials, Sports - 1996 Riverdale High School football team. by \*Womack.

**Senate Joint Resolution No. 166** -- Memorials, Death - Orion C. Key. by \*Rochelle.

**Senate Joint Resolution No. 167** -- Memorials, Academic Achievement - Karla Lynn Robinson, Valedictorian, Trousedale County High School. by \*Rochelle.

**Senate Joint Resolution No. 168** -- Memorials, Academic Achievement - Tori Tucker, Salutatorian, Trousedale County High School. by \*Rochelle.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1969** -- Sullivan County - Subject to local approval, creates additional general sessions court judge position. Amends Chapter 349 of the Private Acts of 1947, as amended. by \*Westmoreland.

## **WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

**House Bill No. 1970** -- Sullivan County - Subject to local approval, amends charter relative to jurisdiction of general sessions court and election of general sessions court judges. Amends Chapter 349 of the Private Acts of 1947, as amended. by \*Westmoreland.

**House Bill No. 1971** -- Harriman - Revises charter. Amends Chapter 49 of the Acts of 1891, as amended. by \*Ferguson.

**House Bill No. 1972** -- Washington County - Subject to local approval, authorizes county commission to elect superintendent of highways in accordance with general law. by \*Patton.

**House Bill No. 1974** -- Sequatchie County - Subject to local approval, repeals juvenile court, transfers jurisdiction to general sessions court - Repeals Chapter 297, Private Acts of 1982, as amended. by \*Rhinehart.

**House Bill No. 1975** -- Johnson County - Subject to local approval, establishes minimum standards and development requirements for earth products and excavation in unincorporated areas. by \*Mumpower.

**House Bill No. 1976** -- Johnson County - Subject to local approval, provides for location and development of planned mobile home parks. by \*Mumpower.

**House Bill No. 1977** -- Bartlett - Subject to local approval, enacts hotel/motel occupancy tax. by \*Hargett.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 7** -- Driver Licenses - Prohibits issuance of restricted commercial driver license for operating school bus. Amends TCA Title 55, Chapter 50. by \*Henry, \*Davis L, \*Williams, \*Haynes. (HB44)

**\*Senate Bill No. 30** -- Criminal Procedure - Prohibits television or video cameras in courtrooms during criminal trials if cameras are to be used for televising or broadcasting trial. by \*Koella. (HB1411)

**\*Senate Bill No. 433** -- Surveyors - Sets licensing requirements for land surveyors beginning July 1, 2003. Amends TCA Section 62-18-109. by \*Haynes. (HB1736)

**\*Senate Bill No. 509** -- Medical Occupations - Authorizes the Tennessee Ambulance Services Association to nominate 2 operators of ambulance services who maintain certification as EMT or EMT-P to serve upon the emergency medical services board. Amends TCA Title 68, Chapter 140, Part 5. by \*Springer. (HB679)

**\*Senate Bill No. 520** -- Veterinarians - Expands lien so that animal considered abandoned when vet determines that address and telephone number given by owner are false. Amends TCA Section 63-12-134. by \*Rochelle. (HB690)

**\*Senate Bill No. 603** -- Massage - Corrects typographical error in definition of "Massage/bodywork/somatic" contained in Chapter 480 of the Public Acts of 1995. Amends TCA Section 63-18-202(3). by \*Henry. (HB1902)

**\*Senate Bill No. 736** -- Osteopathy - Prohibits boards, commissions, health care facilities, health and medical corporations and insurance companies from discriminating against eligible osteopathic physicians in certain circumstances. Amends TCA Section 63-9-106. by \*Kyle. (HB1659)

**\*Senate Bill No. 768** -- Mortgages - Mortgages - Makes Fannie Mae an authorized lender under Home Equity Conversion Mortgage Act. Amends TCA Title 47, Chapter 30. by \*Atchley. (HB1484)

**Senate Bill No. 800** -- Workers' Compensation - Requires all subcontractors and employers in construction industry to carry workers' compensation insurance without regard to five employee threshold. Amends TCA Title 50, Chapter 6. by \*Person. (\*HB392)

**Senate Bill No. 964** -- Minority Affairs - Enacts "Tennessee Minority Business Councils Cooperation Act of 1997.". by \*Ford J, \*Harper. (\*HB513)

**Senate Bill No. 1095** -- Insurance, Motor Vehicles - Considers foreign exchange student in same way as natural child under adult's motor vehicle insurance coverage. Amends TCA Title 56. by \*Rochelle. (\*HB686)

**\*Senate Bill No. 1276** -- Highways, Roads and Bridges - Requires department of transportation to study ways to ease congestion on urban highways. Amends TCA Title 54. by \*Harper. (HB1207)

**Senate Bill No. 1405** -- Private Protective Services - Revises possible fines for violations of private protective laws from \$5,000 to \$2,000; requires training to be conducted within 60 rather than 30 days of hire; authorizes unarmed security guards to carry mace. Amends TCA Title 62, Chapter 35, Part 1. by \*Henry. (\*HB629)

**\*Senate Bill No. 1565** -- District Attorneys - Increases compensation for criminal investigators for district attorneys general. Amends TCA Section 8-7-201. by \*Crutchfield. (HB1614)

**\*Senate Bill No. 1575** -- Real Estate Agents and Brokers - Requires real estate appraisers to undergo two years of service as real estate appraiser trainee. Amends TCA Section 62-39-304. by \*Rochelle. (HB1722)

**\*Senate Bill No. 1621** -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401. by \*Leatherwood, \*Person. (HB1456)

**Senate Bill No. 1685** -- Taxes, Sales - Allows purchasers to take sales and use tax credits from pollution control equipment purchases as refunds or apply to tax exempt purchases. Amends TCA Section 67-6-346. by \*Gilbert, \*Elsea, \*McNally, \*Atchley, \*Person, \*Jordan, \*Koella, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Gilbert, \*Miller J, \*Fowler. (\*HB1263)

**\*Senate Bill No. 1705** -- Culture - Enacts "Office of Film, Music & Multimedia Industries Act of 1997." Amends TCA Title 4, Chapter 3. by \*Jordan, \*McNally, \*Atchley, \*Elsea, \*Person, \*Miller J, \*Ramsey, \*Williams, \*Carter, \*Crowe, \*Koella, \*Fowler, \*Cohen. (HB1811)

## REPORTS FROM STANDING COMMITTEES

The committees that met on **April 15, 1997**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 17, 1997**: House Bill(s) No(s). 382, 1358, 1491, 1935, 1849, 1249, 1263 and 847.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **April 21, 1997**: House Bill(s) No(s). 950.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 21, 1997**: House Bill(s) No(s). 870, 1737, 244, 1459, 1902, 1165, 1835, 810, 1703 and 1534.

### COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 1735 and 550; also House Bill(s) No(s). 1736 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 32 and Senate Joint Resolution(s) No(s). 32, also House Bill(s) No(s). 1251, 200 and House Joint Resolution(s) No(s). 84 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## **WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 595. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 312 and 1521, also House Bill(s) No(s). 475 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 894 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reported that House Bill(s) No(s). 906 and 845 were considered but failed to pass.

### **FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 526, 1082, 1264, 1250 and 277, also House Bill(s) No(s). 696, 1815 and 838 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### **GOVERNMENT OPERATIONS**

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1089 and 1098. Under the rules, each was transmitted to the Calendar and Rules Committee.

After review, it further recommended that House Bill(s) No(s). 1329 be referred to the Children and Family Affairs Committee, House Bill(s) No(s). 861 with amendments be referred to the Commerce Committee and House Bill(s) No(s). 1419 with amendments be referred to the Health & Human Resources Committee.

### **HEALTH AND HUMAN RESOURCES**

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 678, 844 and 1121 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### **STATE AND LOCAL GOVERNMENT**

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 320, 1208, 1524, 973 and 1640, also House Bill(s) No(s). 1405, 1193, 300, and 48 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.



## **WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1485 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 16, 1997**, reported the following:

#### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 21, 1997**: House Bill(s) No(s). 1614, 1617, 1674, 1247, 1514, 267, 298, 1750 and 771.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 21, 1997**: House Bill(s) No(s). 1258 and House Joint Resolution(s) No(s).115.

#### **CHILDREN & FAMILY AFFAIRS**

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 1932, also House Bill(s) No(s). 1901 and 789 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 896 and 1112 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### **CONSUMER AND EMPLOYEE AFFAIRS**

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 1531 and House Joint Resolution No. 64. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### **JUDICIARY**

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1769 and House Joint Resolution(s) No(s).4,6,7 and47, also House Bill(s) No(s). 440, 922, 1687 and with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 614; also House Bill(s) No(s). 1274 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

**TRANSPORTATION**

The Transportation Committee recommended for passage: House Bill(s) No(s). 673 and 227, also Senate Joint Resolution(s) No(s). 58. Under the rules, each was transmitted to the Calendar and Rules Committee.

**CAPTION BILLS REFERRED**

**April 16, 1997**

Pursuant to **Rule No. 47**, the following Caption Bill(s), House Bill(s) No(s). 1078, 686, 986, 1648, 916, 1510, 797, 1823, 258, 1519, 1304, 1754, 1435, 1124, 1128, 910, 1130 and 1843 held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 1078** -- Health -- House Health & Human Resources Committee

**\*House Bill No. 686** -- Insurance, Motor Vehicles -- House Commerce Committee

**House Bill No. 986** -- Banks and Financial Institutions -- House Commerce Committee

**House Bill No. 1648** -- Criminal Offenses -- House Commerce Committee

**House Bill No. 916** -- Penal and Reformatory Institutions -- House State & Local Government Committee

**House Bill No. 1510** -- Taxes, Sales - House State & Local Government Committee

**House Bill No. 797** -- Courts, General Sessions -- House Judiciary Committee

**\*House Bill No. 1823** -- Juvenile Offenders -- House Judiciary Committee

**\*House Bill No. 258** -- Pensions and Retirement Benefits -- House Finance Committee

**\*House Bill No. 1519** -- State Employees -- House Finance Committee

**House Bill No. 1304** -- Health -- House Commerce Committee

**\*House Bill No. 1754** -- Aged Persons -- House Government Operations Committee

**House Bill No. 1435** -- Law Enforcement -- House Judiciary Committee

**House Bill No. 1124** -- Health -- House Commerce Committee

**House Bill No. 1128** -- Telecommunications -- House Commerce Committee

**House Bill No. 910** -- TennCare -- House Commerce Committee

**House Bill No. 1130** -- TennCare -- House Commerce Committee

**House Bill No. 1843** -- Penal and Reformatory Institutions -- House Judiciary Committee

### CONSENT CALENDAR

**House Joint Resolution No. 189** -- Memorials, Death - Bill Hyde. by \*Newton.

**House Joint Resolution No. 190** -- Memorials, Public Service - Leon H. Shoulders, Sumner County Commission. by \*McDonald, \*Bone, \*Stamps.

**House Joint Resolution No. 191** -- Memorials, Personal Occasion - Gallatin High School, 40th class reunion. by \*McDonald, \*Stamps.

**Senate Joint Resolution No. 188** -- Memorials, Heroism - James D. Horner, Wilson County Sheriffs Deputy. by \*Rochelle.

**Senate Joint Resolution No. 189** -- Memorials, Heroism - Johnny Freeman, Wilson County Sheriff's Deputy. by \*Rochelle.

Rep. Newton moved that all members voting aye on House Joint Resolution No. 189 be added as sponsors, which motion prevailed.

### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Joint Resolution No. 191:** by Rep. McDonald

Under the rules, House Joint Resolution No: 191 was/were placed at the foot of the calendar for April 17, 1997.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels,

## WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY

Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 214** -- Civil Procedure - Authorizes owner of surrounding property to receive damages which include litigation costs and proportionate share of increase in value of surrounded land in actions to grant surrounded land owner right-of-way for private road and utility easement Amends TCA Section 54-14-109. by \*Stulce. (SB117 by \*Crutchfield)

Further consideration of House Bill No. 214, previously considered on March 24, 1997, March 26, 1997, and April 9, 1997, and reset to today's Calendar.

Rep. Williams moved that House Bill No(s). 214 be reset for the Regular Calendar on April 30, 1997, which motion prevailed.

**\*House Bill No. 1725** -- Alcoholic Beverages - Permits bed and breakfast establishments in arts districts in four largest cities to obtain liquor by the drink license. Amends TCA Section 57-4-102. by \*Rhinehart, \*Bowers. (SB1813 by \*Crutchfield)

Further consideration of House Bill No. 1725, previously considered on April 3, 1997, at which time the bill failed, was re-referred to the Committee on Calendar and Rules, and reset to today's Calendar.

On motion, House Bill No. 1725 was made to conform with **Senate Bill No. 1813**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 1813 be passed on third and final consideration.

Rep. Rhinehart requested that Senate Bill No. 1813 be moved down 5 places on the Calendar.

**\*House Bill No. 506** -- Consumer Protection - Prohibits persons from knowingly soliciting direct mail sales to children under age of 12, civil penalty not to exceed \$100 per violation. Amends TCA Title 47, Chapter 18. by \*DeBerry J. (SB754 by \*Dixon)

Rep. J. DeBerry moved that House Bill No. 506 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 506 by deleting the amendatory language of Section 1 and by substituting instead the following:

SECTION 47-18-\_\_\_\_. (a) No person or entity shall knowingly engage in solicitation of any goods or services by distributing direct mail advertising materials, as defined in Tennessee Code Annotated, Section 67-6-344(2), to children under twelve (12) years of age, unless such person or entity establishes and maintains a list of persons who do not wish to receive direct mail advertising materials distributed by such person or entity or any person or entity distributing direct mail advertising materials.

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved that **House Bill No. 506**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 978** -- Architects and Engineers - Requires all bids for public projects which utilize architects or engineers to include names of all subcontractors. Amends TCA Section 62-6-119. by \*Garrett. (\*SB434 by \*Haynes)

Rep. Garrett moved that House Bill No. 978 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:  
**Amendment No. 1**

AMEND House Bill No. 978 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-119 is amended by deleting such section in its entirety and by substituting instead the following:

Section 62-6-119. (a) Any person or entity preparing plans, specifications or any other documentation for inclusion or consideration in an invitation to bid or comparable bid document shall include a copy of this chapter at least by reference and a specific statement informing the invited bidder that it is necessary for such bidder to provide evidence of a license in the appropriate classification before such bid may be considered.

(b) Any person or entity involved in the preparation of the invitation to bid or comparable bid documents shall direct that the name, license number, expiration date thereof, and license classification of the contractors applying to bid for the prime contract and for the electrical, plumbing, heating, ventilation, and air conditioning contracts, appear on the outside of the envelope containing the bid except when the bid is in an amount less than twenty-five thousand dollars (\$25,000). When the bid is less than twenty-five thousand dollars (\$25,000), the name of the contractor only may appear on the outside of the envelope containing the bid and upon opening the envelope, if such bid is in excess of twenty-five thousand dollars (\$25,000) the same shall automatically be disqualified. Prime contractor bidders who are to perform the electrical, plumbing, heating, ventilation and air conditioning must be so designated upon the outside of the envelope. Failure of any bidder to comply therewith shall void such bid and the envelope containing such bid shall not be opened or considered. It is the duty and responsibility of the awarding person or entity who received the envelope containing the bid to verify only the completeness of the required licensure information prior to the opening of the envelope. Prior to the opening of the envelope, the names of all contractors listed thereon shall be read aloud at the official bid opening and incorporated into the bid. Prior to awarding a contract, the awarding

person or entity and its authorized representatives shall verify the accuracy, correctness and completeness of the information required hereby. The failure of any bidder to comply with all of the provisions hereof shall automatically disqualify such bid. However, bids administered by the state department of general services shall require that the information be furnished within the bid or bid document and need not appear on the envelope.

(c) Any person or entity, public and private, failing to observe this section shall be penalized in the same manner as any person under § 62-6-120 who accepts a bid from a person who is not licensed in accordance with the provisions of this chapter.

(d) A violation of this section is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Garrett moved that **House Bill No. 978**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1450** -- Regional Authorities - Transfers existing positions of Tennessee Elk River development agency to department of environment and conservation. Amends TCA Title 8, Chapter 30 and Title 64, Chapter 1, Part 3. by \*Lewis, \*Fraley. (\*SB1414 by \*Cooper)

On motion, House Bill No. 1450 was made to conform with **Senate Bill No. 1414**; the Senate Bill was substituted for the House Bill.

**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

Rep. Lewis moved that Senate Bill No. 1414, be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Lewis moved that **Senate Bill No. 1414** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1808** -- Securities - Defines "covered security" and "senior security"; sets out new conditions for security sales and investment advising; mandates notice filings for covered security sales. Amends TCA Title 48, Chapter 2, Part 1. by \*McKee, \*McDaniel, \*Stamps, \*Davis R. (\*SB1700 by \*Atchley, \*McNally, \*Elsea, \*Person, \*Gilbert, \*Leatherwood, \*Jordan, \*Miller J, \*Ramsey, \*Williams, \*Carter, \*Crowe, \*Koella, \*Fowler)

On motion, House Bill No. 1808 was made to conform with **Senate Bill No. 1700**; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that Senate Bill No. 1700, be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1700 by deleting the language in Section 9 in its entirety and by substituting instead the following language:



**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

Section 9. Section 4 and Section 7 of this bill shall become effective July 8, 1997 the public welfare requiring it. All other sections of this bill shall become effective upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Phelan moved the previous question, which motion prevailed.

Rep. McKee moved that **Senate Bill No. 1700** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Hargett, Kernell -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 615 -- Criminal Offenses - Creates Class A misdemeanor offense of installing electronic tracking device in car without consent of occupants for purpose of monitoring occupants Amends TCA Title 39, Chapter 13, Part 6. by \*Westmoreland, \*Bird, \*Cole (Dyer). (SB1175 by \*Ramsey)**

Rep. Westmoreland moved that House Bill No. 615 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 615 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following as a new section:

Section \_\_\_\_.

(a) Except as provided in subsection (b), it is an offense for a person to knowingly install, conceal or otherwise place an electronic tracking device in or on a motor vehicle without the consent of all occupants in such vehicle for the purpose of monitoring or following an occupant or occupants of such vehicle.

(b) It shall not be a violation if the installing, concealing or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a law enforcement officer in furtherance of a criminal investigation and is carried out in accordance with applicable state or federal law.

(c) A violation of this section is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that **House Bill No. 615**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**Senate Bill No. 1813** -- Alcoholic Beverages - Permits bed and breakfast establishments in arts districts in four largest cities to obtain liquor by the drink license. Amends TCA Section 57-4-102. by \*Crutchfield. (\*HB1725 by \*Rhinehart, \*Bowers)

Further consideration of House Bill No. 1725, previously considered on today's Calendar, at which time the Senate Bill was substituted for the House Bill.

**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

Rep. Rhinehart moved that **Senate Bill No. 1813** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	65
Noes .....	26
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Boner, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Fraley, Givens, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, Whitson, Williams, Mr. Speaker Naifeh -- 65.

Representatives voting no were: Beavers, Clabough, Cross, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Godsey, Goins, Haley, Hargett, Maddox, McDonald, Mumpower, Patton, Pinion, Pleasant, Ridgeway, Roach, Sharp, Tidwell, White, Windle, Winningham, Wood -- 26.

Representatives present and not voting were: Bird, Boyer, Towns -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 1819** -- Hospitals and Health Care Facilities - Sets out guidelines for emergency response worker to request health evaluation of person who may have exposed worker to life-threatening disease. Amends TCA Title 68, Chapter 10, Part 1. by \*Kent, \*McDaniel, \*Davis R, \*Stamps, \*Pleasant. (SB1931 by \*Person, \*Miller J, \*Fowler, \*Atchley, \*McNally, \*Jordan, \*Koella, \*Ramsey, \*Carter, \*Elsa, \*Leatherwood, \*Crowe, \*Williams)

Rep. Kent moved that House Bill No. 1819 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1819 by adding the following language to the end of subsection (a) of Section 1:

Such request shall be made to the designated exposure control officer of the responding agency or county medical examiner who shall conduct the evaluation pursuant to the rules provided for in subsection (c).

AND FURTHER AMEND by adding the following language to the end of subsection (b) of Section 1:

Any cost related to the evaluation shall be paid by the responding agency.

AND FURTHER AMEND by adding the following language to subsection (c) of Section 1 between the words "providing any" and "information necessary" and between the words "providing such" and "information consistent":

assistance or

AND FURTHER AMEND by adding the following language to subsection (d) of Section 1 between the words "first response workers," and "and volunteers making":

emergency medical technicians,

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **House Bill No. 1819**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1111** -- Juvenile Offenders - Establishes procedure whereby person to whom restitution is ordered from delinquent child can convert unpaid balance of restitution owing at time juvenile court loses jurisdiction over child into civil judgment against such child Amends TCA Title 25; Title 26 and Title 37. by \*Boner, \*Turner (Hamilton), \*Ridgeway, \*Hargett, \*Goins, \*Pleasant, \*Haley, \*Clabough. (\*SB343 by \*Haynes)

Further consideration of House Bill No. 1111, previously considered on April 9, 1997, and April 10, 1997, and reset to today's Calendar.

**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

Rep. Boner moved that House Bill No(s). 1111 be reset for the Regular Calendar on April 17, 1997, which motion prevailed.

**\*Senate Bill No. 51** -- Landlord and Tenant - Authorizes landlord or owner of real property to terminate rental agreements if property subject to rental agreement being used in sale, manufacture or use of drugs in Davidson and Shelby counties. Amends TCA Title 66, Chapter 7, by \*Person, \*Cohen, \*Dixon, \*Ford J, \*Leatherwood, \*Gilbert, \*Jordan, \*Carter, \*Atchley, \*McNally, \*Elsea, \*Fowler, \*Crowe, \*Miller J, \*Ramsey, \*Williams, \*Koella, \*Cooper, \*Haun, \*Harper, \*Burks, \*Crutchfield, \*Davis L, \*Graves, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Person, \*Rochelle, \*Springer, \*Wilder, \*Womack. (HB583 by \*DeBerry J, \*Chumney, \*Kent, \*Hargett, \*Haley, \*Hassell, \*DeBerry L, \*Scroggs, \*Jones U (Shelby), \*Turner (Shelby), \*Brooks, \*Pleasant, \*Towns, \*Maddox, \*Fitzhugh, \*White, \*Sands, \*Bone, \*Hood, \*Caldwell, \*Langster, \*Cooper B, \*Miller L, \*Pruitt, \*Walley, \*McDaniel, \*Boner, \*Bittle, \*Dunn, \*Goins)

Further consideration of Senate Bill No. 51, previously considered on April 2, 1997, and April 9, 1997, at which time the Senate Bill was substituted for the House Bill and Amendment(s) No(s). 1 and 8 were adopted. Senate Bill No. 51 was further considered on April 10, 1997, and reset to today's Calendar.

Rep. J. DeBerry moved that Senate Bill No. 51, as amended, be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 9 as follows:

**Amendment No. 9**

AMEND Senate Bill No. 51 as amended in subsection (b) of the amendatory language of Section 1 by deleting the language ", in a jurisdiction having a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census,".

On motion, Amendment No. 9 was adopted.

Rep. Kisber moved that Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Clabough moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Givens moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Chumney moved adoption of Amendment No. 13 as follows:

**Amendment No. 13**

AMEND Senate Bill No. 51 by deleting subsection (a) of Section 66-7-1-\_\_\_\_. of the amendatory language of SECTION 1 as amended and substituting instead the following:

(a) An occupant's tenancy may be terminated where the premises are knowingly used or occupied in whole or in part to violate Tennessee Code Annotated, Sections 39-17-417, or where the premises or the area immediately surrounding the premises are knowingly used or occupied in whole or in part to violate Tennessee Code Annotated, Sections 39-13-513 or 39-13-515.

On motion, Amendment No. 13 was adopted.

Rep. J. DeBerry moved that **Senate Bill No. 51**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

## MESSAGE CALENDAR

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 923** -- Game and Fish Laws - Authorizes use of cable snare traps in Marion County. Amends TCA Section 70-4-120. by \*Fraley. (SB1827 by \*Elsa)

#### Senate Amendment No. 1

AMEND House Bill No. 923 by adding the following language at the end of the amendatory language of Item (ii) in Section 1:

The provisions of this subdivision shall also not apply to any county having a population of not less than sixty-eight thousand one hundred (68,100) nor more than sixty-eight thousand four hundred (68,400) according to the 1990 federal census or any subsequent federal census.

Rep. Fraley moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 923**, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0  
Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Rhinehart -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 904** -- County Officers - Authorizes register of deeds of Lauderdale County to collect \$2.00 data processing fee for purchase and maintenance of computers and supplies. Amends TCA Section 8-21-1001. by \*Fitzhugh. (\*SB1027 by \*Leatherwood)

##### **Senate Amendment No. 1**

AMEND House Bill No. 904 by deleting the word "In" from the first sentence of the amendatory language of Section 1, and by substituting instead the following language:

Upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body to which this subsection applies, in

Rep. Fitzhugh moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 904**, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald,

McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 345** -- Historical Sites - Requires commission to place 18 markers throughout state, not less than six in each grand division, relating to African-American culture and history; marker to describe cultural or historical event significant to area where marker placed. by \*Pruitt, \*Brooks. (SB715 by \*Dixon, \*Harper)

#### Senate Amendment No. 3

AMEND House Bill No. 345 by deleting in Section 1 of the printed bill the language "eighteen (18)" and by substituting instead the language "seventeen (17)".

AND FURTHER AMEND in Section 1 of the printed bill the language "six (6)" and by substituting instead the language "five (5)".

Rep. Pruitt moved that the House non-concur in Senate Amendment(s) No(s). 3 to **House Bill No. 345**, which motion prevailed.

#### Senate Amendment No. 1

AMEND House Bill No. 345 by deleting the last sentence from Section 1 and substituting instead the following:

Such markers shall identify cultural or historical events having significance to the surrounding area or community where the marker is placed.

#### Senate Amendment No. 4

AMEND House Bill No. 345 by deleting amendatory language of Amendment #1 and deleting from the second sentence the first clause before the (:) and making the second clause a sentence.

Rep. Pruitt moved that the House concur in Senate Amendment(s) No(s). 1 and 4 to **House Bill No. 345**, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0



Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

## UNFINISHED BUSINESS

### BILLS WITHDRAWN

On motion of Rep. Ford, **House Bill No. 972** was recalled from the Conservation & Environment Committee and withdrawn from the House.

## ANNOUNCEMENTS

### BILL RETURN REQUESTED

Rep. Rhinehart moved that the Clerk request the return of Senate Bill No. 1667 from the Senate, which motion prevailed.

## SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 74:** Rep(s). Godsey, Newton, Dunn and Mumpower as prime sponsor(s).

**House Bill No. 354:** Rep(s). Cross as prime sponsor(s).

**House Bill No. 1111:** Rep(s). Beavers as prime sponsor(s).

**House Bill No. 1131:** Rep(s). Maddox, Winningham, Sharp, Goins, Brown, Ridgeway, Cross, Cole (Carter), Bowers, Hargett, Pleasant, Kernell, Hassell, Ford, Davis, Miller, Chumney, Towns, Caldwell, Kent, Walley, Givens, Hicks, Ferguson, Cooper, Cole (Dyer), Westmoreland, J. DeBerry, Turner (Shelby), Godsey, Roach, Patton, Rinks, Scroggs, Mumpower and L. DeBerry as prime sponsor(s).

**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

**House Bill No. 1179:** Rep(s). Brown, U. Jones, Haley, Turner (Shelby), Langster, Cooper, Brooks, Rhinehart, Kernell, Pruitt, L. DeBerry, Bowers, J. DeBerry, Miller and Towns as prime sponsor(s).

**House Bill No. 1667:** Rep(s). Hargett as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 603, 830, 835, 961, 1425, 1615, 1926 and 1942; also, House Joint Resolution(s) No(s). 162, 163 and 164; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 8, 425, 435, 436, 438, 1273 and 1825; also, Senate Joint Resolution(s) No(s). 50, 86, 156, 157, 159, 161 and 163 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 16, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 978.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 16, 1997**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 603, 830, 835, 961, 1425, 1615, 1926 and 1942; also, House Joint Resolution(s) No(s). 162, 163 and 164.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 186 and 187; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 165, 170, 172, 173, 174, 175, 176, 177, 178, 179 and 180; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 15, 204, 978, 1176 and 1186; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 16, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 506, 615 and 1819, also, House Joint Resolution(s) No(s). 189 and 190.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**April 16, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 186 and 187.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 16, 1997**

The Speaker signed the following: House Joint Resolution(s) No(s). 186 and 187

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 16, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 186 and 187; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 16, 1997**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 186 and 187.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 16, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 531, 718, 996, 1256, 1437, 1801 and 1951, also, House Joint Resolution(s) No(s). 162, 163 and 164; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**ENROLLED BILLS**

**April 16, 1997**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 165, 170, 172, 173, 174, 178 and 180.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 16, 1997**

The Speaker signed the following: House Joint Resolution(s) No(s). 165, 170, 172, 173, 174, 178 and 180

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 188 and 189; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 55, 170, 171, 173, 174, 176, 177 and 178; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 55** -- General Assembly, Confirmation of Appointment - Marilyn T. Loeffel, state board of education. by \*Leatherwood, \*Person, \*Fowler, \*Ramsey, \*Crowe, \*Elsea, \*Gilbert, \*Jordan, \*Atchley, \*Haun, \*Koella, \*Burks, \*McNally, \*Miller J, \*Cooper, \*Carter, \*Williams.

**Senate Joint Resolution No. 170** -- Memorials, Professional Achievement - Carthage Bestway. by \*Rochelle, \*Wildier.

**Senate Joint Resolution No. 171** -- Memorials, Recognition and Thanks - Mu Tau Chapter, Phi Gamma Delta Fraternity. by \*Person.

**Senate Joint Resolution No. 173** -- Memorials, Death - John Joseph "Giovanni" Cerrito. by \*Cohen, \*Leatherwood, \*Person.

**Senate Joint Resolution No. 174** -- Memorials, Public Service - William Sharpe. by \*Crowe.

**Senate Joint Resolution No. 176** -- Memorials, Death - Bill Duncan. by \*Rochelle.

**Senate Joint Resolution No. 177** -- Memorials, Academic Achievement - Kevin Pulley, Salutatorian, Watertown High School. by \*Rochelle.

**Senate Joint Resolution No. 178** -- Memorials, Academic Achievement - Ann Dunn, Valedictorian, Watertown High School. by \*Rochelle.

**MESSAGE FROM THE SENATE**

**April 16, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 421, 920, 1745, 1764 and 1896; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 421** -- Economic and Community Development - Requires any grant program authorized to support creation and expansion of economic development efforts by community-based organizations to permit use of up to 5 percent of funds for administration of grant program. Amends TCA Title 13, Chapter 14, Part 2. by \*Dixon, \*Harper.

**\*Senate Bill No. 920** -- Schools, Private and Charter - Empowers local school boards to approve establishment of charter schools by new school creation or existing public school conversion. Amends TCA Section 49-2-203. by \*Miller J, \*Ramsey, \*Fowler.

**\*Senate Bill No. 1745** -- Safety - Establishes grant program for occupational health and safety programs for trade associations to conduct for member organizations for drug-free workplace programs. Amends TCA. by \*Fowler.

**WEDNESDAY, APRIL 16, 1997 -- THIRTIETH LEGISLATIVE DAY**

**\*Senate Bill No. 1764** -- Motor Vehicles - Allows odometers to be reset to zero following repair or service if actual mileage and date of change are noted on permanently attached plate riveted to door. Amends TCA Sections 39-14-132, 47-18-104, and 55-17-114. by \*Womack.

**Senate Bill No. 1896** -- Real Property - Permits, in cases of sale of division, court to authorize sale managed by real estate agent, when parties agree to such sale, rather than standard judicial sale. Amends TCA Title 29, Chapter 27. by \*Davis L.

**ENROLLED BILLS**

**April 16, 1997**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 175, 176, 177 and 179.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 16, 1997**

The Speaker signed the following: House Joint Resolution(s) No(s). 175, 176, 177 and 179

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF DELAYED BILLS COMMITTEE**

**April 16, 1997**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1945, 1961 and 1964.

Jimmy Naifeh, Speaker

Jere Hargrove and Steve McDaniel

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, April 17, 1997.